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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,648	12/30/2003	Benad Goldwasser	1382GIV-US	5754

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EXAMINER

FOREMAN, JONATHAN M

ART UNIT

PAPER NUMBER

3736

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/747,648

Applicant(s)

GOLDWASSER ET AL.

Examiner

Jonathan ML Foreman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/12/05; 3/14/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 12/12/05 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, and the information referred to therein has been considered by the examiner as to the merits.

The information disclosure statement filed 3/14/06 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,924,625 to Peterson.

In regards to claims 15 and 19, Peterson discloses a guidewire (11) adapted for insertion into a gastrointestinal tract of a patient; a propulsion device comprising a pulley (15) coupled to the end of the guidewire (Col. 2, lines 61 – 65), the pulley comprising a pulley line (23); and a gastrointestinal tool (24), attached to the pulley line, and adapted to be moved proximally through the tract by means of motion of the pulley line in a first direction, and adapted to be moved distally through the gastrointestinal tract by means of motion of the pulley line in a second direction opposite the first direction.

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3. Claims 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,422,989 to Hektner.

In regards to claims 15 and 19, Hektner discloses a guidewire (Figure 5) adapted for insertion into a gastrointestinal tract of a patient; a propulsion device comprising a pulley coupled to the end of the guidewire (Col. 5, lines 28 – 31; Col. 6, lines 26 – 28), the pulley comprising a pulley line (40); and a gastrointestinal tool (42), attached to the pulley line, and adapted to be moved proximally through the tract by means of motion of the pulley line in a first direction, and adapted to be moved distally through the gastrointestinal tract by means of motion of the pulley line in a second direction opposite the first direction (Col. 5, lines 28 – 30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,422,989 to Hektner in view of US Patent No. 6,540,655 to Chin et al.

In regards to claims 16 and 17, Hektner discloses a guidewire for delivering radiation to a desired location within a patient's body (See Abstract), but fails to disclose the guidewire including an anchoring device comprising an inflatable balloon. However, Chin et al. discloses a guidewire for delivering radiation to a desired location within a patient's body that includes an anchoring device comprising an inflatable balloon (22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guidewire as disclosed by Hektner to include

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an anchoring device comprising an inflatable balloon as taught by Chin et al. in order to anchor the guidewire at the treatment site so as to ensure radiation is delivered to the desired location (Col. 4, lines 35 – 40).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,924,625 to Peterson in view of US Patent No. 5,364,353 to Corfitsen et al.

In regards to claim 18, Peterson discloses a guidewire adapted for insertion into a gastrointestinal tract of a patient, but fails to disclose the guidewire including an inflatable device adapted to pull the guidewire through the gastrointestinal tract. However, Corfitsen et al. discloses a guidewire adapted for insertion into a gastrointestinal tract of a patient that includes an inflatable device adapted to pull the guidewire through the gastrointestinal tract (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guidewire as disclosed by Peterson to include an inflatable device as taught by Corfitsen et al. so as to enable the guidewire to be rapidly advanced to desired location (Col. 3, lines 9 – 20).

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,509,371 to Phillips.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan ML Foreman whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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SUPERVISORY PATENT EXAMINER
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